

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

NAVELLIER & ASSOCIATES, INC. and  
LOUIS NAVELLIER,

Defendants

Civil Action No. 17-cv-11633

**DEFENDANTS' EMERGENCY EX PARTE MOTION TO STAY ENFORCEMENT OF  
AMENDED FINAL JUDGMENT OR TO REDUCE AMOUNT OF SUPERSEDEAS  
BOND**

**ORAL ARGUMENT REQUESTED**

Pursuant to Federal Rules of Civil Procedure Rule 62(d) and Local Rules 62.2, Defendants Navellier & Associates, Inc. ("NAI") and Louis Navellier ("LN") (collectively "Defendants") hereby move to stay enforcement of the Amended Final Judgment (DKT Nos. 361-1 and 361) until this Court rules on Defendants' ex parte motion to stay enforcement and/or rules on Defendants' motion for new trial or until it rules on this motion to waive or reduce supersedeas bond or until the First Circuit Court of Appeals renders a decision on appeal from the Final Judgment and the Amended Final Judgment.

Defendants move for an order reducing the supersedeas bond to \$27,500 as that is all Defendants believe that they would be required to “disgorge” even if the Judgment is upheld on appeal, in light of the United States Supreme Court decision in *Liu v. SEC*.

Defendants’ counsel, Samuel Kornhauser, was out of town attending his son’s wedding and a long-planned vacation when this Court issued its amended judgment and findings of fact. Counsel for Defendants did not return until September 28, 2021. His office has also been short staffed due to Covid which has also been making it difficult to meaningfully communicate with his clients and staff who were also unavailable to meaningfully and fully discuss the next stages in response to this Court’s decision.

Respectfully submitted,

DATED: October 13, 2021

LAW OFFICES OF SAMUEL KORNHAUSER

By: /s/ Samuel Kornhauser

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Attorneys for Defendants

**Rule 7.1**

On October 8, 2021, I met and conferred with counsel for the SEC to see if he would stipulate to a stay and/or reduced supersedeas bond but we were unable to agree, thereby necessitating these motions.

DATED: October 13, 2021

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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I certify that on October 13, 2021, a copy of the foregoing was electronically filed through the ECF system and will be sent electronically to all persons identified in the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants.

Dated: October 13, 2021

/s/ Samuel Rolnick  
Samuel Rolnick